

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELLA JANE MCCRAY,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:06CV309-VPM
)
CITY OF EUFAULA, et al.,)
)
Defendants.)

ORDER

Pursuant to Rule 17(a) of the Federal Rules of Civil Procedure, fictitious parties are not permitted; the real party in interest must be designated. The plaintiff is advised that her failure to name the real parties in interest by the aforementioned date could lead to the dismissal of all fictitious parties. See also Rule 10(a) ("[o]n the complaint, the title of the action shall include the names of all the parties . . . "); *New v. Sports and Recreation, Inc.*, 114 F.3d 1092, 1094 at no.1 (11th Cir. 1997) (fictitious party practice not permitted in federal court and plaintiff's failure to name parties required that court strike parties.); *Watson v. Unipress*, 733 F.2d 1386, 1388 (10th Cir. 1984) (plaintiff did not amend her complaint with identities of unknown defendants, and, therefore, no one directly involved in incident was named as defendant.).

Accordingly, the plaintiff is DIRECTED to name all defendants in her Amended Complaint and to refrain from listing any fictitious defendants.

DONE this 26th day of April, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE